

*FILED*

JUL 2 2010

**CALIFORNIA** RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

Richard Dean CLARK,

**Petitioner,**

V.

Vince CULLEN, Acting Warden of San Quentin State Prison,

## Respondent.

Case Number 5-97-cv-20618-JW

## DEATH-PENALTY CASE

**ORDER RESCHEDULING BRIEFING  
OF PETITIONER'S SECOND  
MOTION FOR DISCOVERY**

[resolves all pending motions]

Respondent requests an extension of time to file his opposition to Petitioner's Second Motion for Discovery and Petitioner requests an extension of time to file his traverse. Good cause appearing therefor, the Court grants the requests and adopts the following schedule.

14 (1) Respondent shall file his opposition to Petitioner's Second Motion for Discovery on  
15 or before July 19, 2010.

16 (2) Petitioner shall file his traverse and any reply to Respondent's opposition to  
17 Petitioner's Second Motion for Discovery on or before August 23, 2010.

18 Unless otherwise ordered, the Court will take Petitioner's Second Motion for Discovery  
19 under submission without oral argument upon the filing of the reply brief or the expiration of the  
20 time to file a reply brief. The Court subsequently will schedule the briefing of motions for an  
21 evidentiary hearing and summary judgment.

22 The present order resolves all pending motions in this action; the clerk therefore shall  
23 terminate all pending motions.

*It is so ordered.*

DATED: July 21 2010

  
JAMES WARE  
United States District Judge